

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DARRYL KILGORE,  
  
Defendant.

CASE NO. CR17-0203-JCC  
  
REVISED ORDER

This matter comes before the Court *sua sponte*. The Court previously vacated the trial date in this case and set the matter for an October 6, 2020 status conference, holding that the time between the date of the Court's order and the date of the status conference should be excluded under the Speedy Trial Act due to COVID-19's impact on this Court's operations. (Dkt. Nos. 292, 293, 306, 319.)

Over the past six months, the COVID-19 pandemic has significantly impacted the Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which the Court incorporates by reference.) Specifically, the pandemic has rendered the Court unable to obtain an adequate spectrum of jurors to represent a fair cross section of the community, and public health guidance has impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom. (*See generally id.*) While conditions have improved, the Court does not anticipate that the pandemic's impacts will sufficiently resolve in

1 the near term to conduct Defendant's trial. Accordingly, the Court now FINDS the ends of  
2 justice served by extending the trial to February 2021 and that this outweighs Defendant's and  
3 the public's best interests to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this  
4 finding are:

- 5 1. The COVID-19 pandemic has rendered the Court unable to obtain an adequate  
6 spectrum of jurors to represent a fair cross section of the community, which would  
7 likely make proceeding in the near term impossible or, at a minimum, would result in  
8 a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 9 2. Public health guidance has impacted the ability of jurors, witnesses, counsel, and  
10 Court staff to be present in the courtroom. Therefore, proceeding in the near term  
11 would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

12 Accordingly, the Court ORDERS:

- 13 1. Trial in this matter is scheduled for February 8, 2021.
- 14 2. The pretrial motions deadline is December 15, 2020.
- 15 3. The period from May 26, 2020, when the Court last granted a continuance based on  
16 the impact of COVID-19, until February 8, 2021 is an excludable time period under  
17 18 U.S.C. section 3161(h)(7)(A).
- 18 4. The status conference scheduled for October 6, 2020 is VACATED.
- 19 5. Defendant's motion for remote video hearing (Dkt. No. 325) is DENIED as moot.

20  
21 DATED this 2nd day of October 2020.

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25 John C. Coughenour  
26 UNITED STATES DISTRICT JUDGE